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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/709,765

05/27/2004

Li-Chun Tu

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3764

27765

7590

06/28/2006

NORTH AMERICA INTELLECTUAL PROPERTY CORPORATION
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EXAMINER

ELMORE, REBA I

ART UNIT

PAPER NUMBER

2189

DATE MAILED: 06/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/709,765	Applicant(s) TU ET AL.	
	Examiner Reba I. Elmore	Art Unit 2189	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 May 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-38 are presented for examination.

SPECIFICATION

2. The specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

35 USC § 112, 1st PARAGRAPH

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-38 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

5. Independent claims 1, 8 and 16 have limitations directed toward the data stored in either a serial flash memory or a random access memory being either 'well prepared' or 'not well prepared'. This language is not explained in the specification or drawings. This language is not typically used in describing data in memory devices and with an absence within the specification of the language being further clarified, the meaning of the language cannot be determined.

6. Independent claim 24 has limitations which state 'reducing an executing speed of the microprocessor emulator for a certain period' and 'executing the microprocessor emulator at a

normal speed after the certain period', however, this language is not explained in the specification or drawings. The 'certain period' is not defined in the specification and this time period cannot be determined from either the specification or the drawings.

7. Further elements used in the specification require some type of definition or explanation because these elements are not clearly defined in the memory arts. Examples are:

- a) buffering/controlling device – the specification does not define what type of devices are used for this buffering/controlling device, they are not typically the same element in a memory circuit;
- b) microprocessor-operating-speed control device – the specification does not define or explain what comprises this device;
- c) outputs an operating clock – clock signals are output by some elements but the operating clock itself is not 'output';
- d) the specification does not define a 'data clog';
- e) how does the operating clock disappear, what does this mean in relationship to actual circuitry;
- f) how is the operating clock recovered, what does this mean in relationship to actual circuitry;
- g) what is meant by 'fasten the whole access process', the 'whole process' is not defined in the specification and if the term should be 'faster' and not 'fasten' it is not explained how the 'whole process' is faster;

35 USC § 112, 2ND PARAGRAPH

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-38 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) the claim language does not explain how the operating speed of a microprocessor is dynamically adjusted;
- b) it is unclear as to what is meant by the data being either 'well prepared' or 'not well prepared';
- c) the claims state the executing speed of the microprocessor is either lower than the normal speed or suspended, however, nothing is given in the specification for performing this action;
- d) an external circuit or a circuit installed in the microprocessor is never described in such a way that one of ordinary skill would know how to make and use it;
- e) it is unclear as to what is meant by 'access a predetermined number of digital data', is this bits of data, bytes of data, data words or data addresses;
- f) it is not clear as to how the data being stored in the buffering/controlling device relates to reducing the operating speed of the microprocessor;
- g) what element is used in 'recovering the operating speed' of the microprocessor; and,
- h) the buffering/controlling device is claimed as being either a FIFO, DRAM or SRAM, however, these are memory element and but themselves cannot provide control functions.

It is not possible from either the specification or the claims to determine the scope of this language or to determine the metes and bounds of the claims.

Art Unit: 2189

Due to the ambiguities and confusion in claims 2-21 and 23-26 as cited above, no art has been applied thereto, see *In re Steele*, 49 CCPA 1295, 305 F. 2d 859, 134 USPQ 292 (1962) and *In re Wilson*, 424 F.2d 1382, 165 USPQ 494 (CCPA 1970). The examiner will not speculate as to the intended meaning.

CONCLUSION

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reba I. Elmore, whose telephone number is (571) 272-4192. The examiner can normally be reached on Tuesday and Thursday from 7:30am to 6:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the art unit supervisor for AU 2189, Reginald G. Bragdon, can be reached for general questions concerning this application at (571) 272-4204. Additionally, the official fax phone number for the art unit is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center central telephone number is (571) 272-2100.



Reba I. Elmore
Primary Patent Examiner
Art Unit 2189

Thursday, June 22, 2006